

CHAPTER NO. 868

SENATE BILL NO. 2802

By Womack

Substituted for: House Bill No. 2677

By McDaniel

AN ACT To amend Tennessee Code Annotated, Section 10-7-506, relative to fees for providing electronic and GIS data to the public.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-506(c)(1), is amended by deleting the words "the legislative body of any county to which this subsection applies" and by substituting instead the following: "a state department or agency or a political subdivision of the state having primary responsibility for the data or system"

SECTION 2. Tennessee Code Annotated, Section 10-7-506(c)(1), is further amended by adding the following sentence to the end of the subdivision:

State departments and agencies and political subdivisions of the state may charge a reasonable fee (cost of reproduction only) for information requested by the news media for news gathering purposes (broadcast or publication).

SECTION 3. Tennessee Code Annotated, Section 10-7-506(c), is amended by deleting subdivision (3) and by substituting instead the following:

(3) The development cost recovery set forth above shall be limited to not more than ten percent (10%) of the total development costs unless additional development cost recovery between ten percent (10%) and twenty percent (20%) is approved by the following procedures: For state departments and agencies, the Information Systems Council (ISC) shall review a proposed Business Plan explaining the need for the additional development cost recovery. If the ISC approves additional development cost recovery, such recovery shall be submitted to the General Assembly for approval. For political subdivisions of the state, approval for additional development cost recovery as contained in a proposed Business Plan must be obtained from the governing legislative body. If the governing legislative body approves additional development cost recovery, such recovery shall be submitted to the ISC for approval. The development costs of any system being recovered with fees authorized by this section shall be subject to audit by the Comptroller of the Treasury, it being the legislative intent that once such additional fees have paid the portion of the development costs authorized above, such fees shall be adjusted to generate only the amount necessary to maintain the data and ensure that it is accurate, complete and current for the life of the particular system. Notwithstanding the limitations above, the recovery of maintenance costs shall not be subject to the limitations and procedures provided above for the recovery of development costs.

SECTION 4. Tennessee Code Annotated, Section 10-7-506(c), is amended by deleting subdivision (5).

SECTION 5. Tennessee Code Annotated, Section 10-7-506(c)(4), is amended by deleting the current language in its entirety and substituting the following language:

As used in this subsection, "record that has commercial value" means a record requested for any purpose other than:


(A) A non-business use by an individual; and

(B) A news gathering use by the news media.

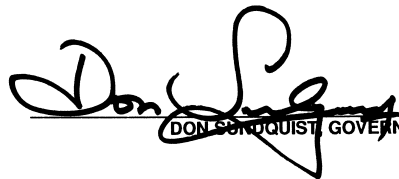
SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 1, 2000


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 6th day of June 2000


DON SUNDQUIST, GOVERNOR